

DETAILED ACTION

1. This office action is responsive to the preliminary amendment filed on 6/5/06. As directed by the amendment: claims 2, 3, 5-8, 10-18 and 20 have been amended, no claims have been cancelled, and no new claims have been added. Thus, claims 1-20 are presently pending in this application.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 124 (Figures 13-15), 152 (Figure 10) and 154 (Figure 10). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 8 is objected to because of the following informalities: In line 3, "provide" should be "provided". Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeBiasio et al. (U.S. Patent No. 5,522,499) in view of Johnson (U.S. Patent No. 2,884,328).

6. Regarding Claim 1, DeBiasio et al. discloses a package 10 (Figure 1) for at least one item, comprising a support member 26 (Figure 2) upon which the item can be located; and at least one compression member 34/36 (Figure 3) moveably connected or attached to the support member, said compression member being located over the item and being moveable so as to be capable of comprising the item when located substantially on the support or support member (Figure 3). DeBiasio et al. does not disclose a shrinkable cover member substantially enveloping the arrangement of the compression member, item and supporting member, wherein the cover member is shrunk in size thereby moving the compressing member towards the support member so as to compress the item inside the package thereby forming a package in which the size of the item and/or package container the item is reduced. However, Johnson teaches a shrinkable cover member (Column 1, Lines 40-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify DeBiasio et al. to include a shrinkable cover member, as taught by Johnson, in order to seal the package as well as compressing the package to take up less space.

7. Regarding Claim 2, DeBiasio et al. teaches all the limitations substantially as claimed except for a cover member which is a flexible cover made from a shrinkable film which can shrink from a first size to a second size. However, Johnson teaches a shrinkable cover member (Column 1, Lines 40-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBiasio et al. to include a shrinkable cover member, as taught by Johnson, in order to seal the package as well as compressing the package to take up less space.

8. Regarding Claim 3, DeBiasio et al. teaches all the limitations substantially as claimed except for a cover member which is a shrinkable film wrap. However, Johnson teaches a shrinkable cover member (Column 1, Lines 40-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBiasio et al. to include a shrinkable cover member, as taught by Johnson, in order to seal the package as well as compressing the package to take up less space.

9. Regarding Claim 4, DeBiasio et al. teaches all the limitations substantially as claimed except for a cover member which is a shrinkable film which can shrink through application of heat. However, Johnson teaches a shrinkable cover member that shrinks with the application of heat (Column 1, Lines 40-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBiasio et al. to include a shrinkable cover member that shrinks with the application of

heat, as taught by Johnson, in order to seal the package as well as compressing the package to take up less space.

10. Regarding Claim 5, DeBiasio et al. discloses a support member 26 (Figure 2) which is a blank having a planar central portion (Figure 2) for supporting the item.

11. Regarding Claim 6, DeBiasio et al. discloses a compression member 34/36 (Figure 3) which is attached to part of a lateral side of the support member.

12. Regarding Claim 7, DeBiasio et al. discloses a compression member 34/36 (Figure 3) which is hingedly connected to the support member (Figure 3).

13. Regarding Claim 8, DeBiasio et al. discloses a support member 26 (Figure 2) and compression members 34/36 (Figure 3) which are provided with complementary fastening elements 44 (Figure 3) which are releasably securable with one another.

14. Regarding Claim 9, DeBiasio et al. discloses fastening elements which comprise a tab which can be releasably secured within a slot (Column 3, Lines 3-5).

15. Regarding Claim 10, DeBiasio et al. teaches all the limitations substantially as claimed except for a cover member which completely envelops the arrangement of the item, supporting member and compression member forming a sealed package.

However, Johnson teaches a cover member which envelops the item, supporting member and compression member (Column 1, Lines 40-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBiasio et al. to include a cover member which envelops the item, supporting member and compression member, as taught by Johnson, in order to seal the package as well as compressing the package to take up less space.

16. Regarding Claim 11, DeBiasio et al. teaches all the limitations substantially as claimed except for a cover member which is a substantially transparent. However, Johnson teaches a substantially transparent cover member (Column 1, Lines 18-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify DeBiasio et al. to include a substantially transparent cover member, as taught by Johnson, in order to seal the package while still being able to view the contents.

17. Regarding Claim 12, DeBiasio et al. discloses an item which is provided with cavities, pockets, folds or similar in which air can accumulate or be trapped to resist compression of the item during packaging (Figure 1).

18. Regarding Claim 13, DeBiasio et al. discloses an item made from flexible material 24 (Figure 1).

19. Regarding Claim 14, DeBiasio et al. discloses an item which are gloves 24 (Figure 1).

20. Regarding Claim 15, DeBiasio et al. discloses the rear side of the support member are provided with printing (Column 3, Lines 6-10).

21. Regarding Claim 16, DeBiasio et al. discloses a support member which also has an attachment means for attaching the package to a hook or display means (Column 2, Lines 65-68).

22. Regarding Claim 17, DeBiasio et al. discloses a support member 26 (Figure 2) which is provided with a display portion over which the compression member is not

folded or superposed allowing the item within the package to be visible at the point of sale when the cover member is in place (Figure 3).

23. Regarding Claim 19, DeBiasio et al. discloses an item placed between a supporting member 26 (Figure 2) and a compression member 34/36 (Figure 3), the compression member 34/36 (Figure 3) being moveably connected to the support member. DeBiasio et al. does not disclose a shrinkable cover member which substantially envelopes the arrangement of the item, supporting member and compression member and shrinks in size to compress the compression member towards the support member. However, Johnson teaches a shrinkable cover member which substantially envelopes the arrangement of the item, supporting member and compression member and shrinks in size to compress the compression member towards the support member (Column 1, Lines 40-46). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify DeBiasio et al. to include a shrinkable cover member, as taught by Johnson, in order to seal the package as well as compressing the package to take up less space. With respect to the method steps, each component in the above combination had to be positioned to make the package and therefore it would have been obvious to one skilled in the art to form the package in the manner claimed since all the claimed limitations are present in the proposed combination.

24. Regarding Claim 20, DeBiasio et al. discloses a support member 26 (Figure 2) upon which an item can be located and at least one compression member 34/36 (Figure 3) moveably connected to the support member, said compression member being

located over the item and being moveable so as to be capable of compressing the item when located substantially on the support member. DeBiasio et al. does not disclose a shrinkable cover member which substantially envelopes the arrangement of the item, supporting member and compression member and shrinks in size to compress the compression member towards the support member. However, Johnson teaches a shrinkable cover member which substantially envelopes the arrangement of the item, supporting member and compression member and shrinks in size to compress the compression member towards the support member (Column 1, Lines 40-46).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify DeBiasio et al. to include a shrinkable cover member, as taught by Johnson, in order to seal the package as well as compressing the package to take up less space. With respect to the method steps, each component in the above combination had to be positioned to make the package and therefore it would have been obvious to one skilled in the art to form the package in the manner claimed since all the claimed limitations are present in the proposed combination.

25. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeBiasio et al. (U.S. Patent No. 5,522,499) in view of Johnson (U.S. Patent No. 2,884,328) and Nye (U.S. Patent No. 3,384,225).

26. Regarding Claim 18, DeBiasio et al. and Johnson teach all the limitations substantially as claimed except for a support member of the present invention which is made from paper. However, Nye teaches a support member of the present invention which is made from paper (Column 4, Lines 28-29). Therefore, it would have been

obvious for one of ordinary skill in the art at the time the invention was made to modify DeBiasio et al. and Johnson to include a support member made from paper, as taught by Nye, in order to create a cheap and recyclable package.

27. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIZABETH VOLZ whose telephone number is (571) 270-5430. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571) 272-4561. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. V./
Examiner, Art Unit 3781

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